IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE N.V. RAMANA**

**WRIT PETITION NO : 25171 of 2004**

Between:

Kogila Bathakaiah, S/o. Late Yellaiah,
R/o. Marrigudem Colony, Venkatapuram mandal,
Khammam District.

**..... PETITIONER**

AND

The Mandal Revenue Officer, Venkatapuram Mandal,
Khammam District.

**.....RESPONDENT**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent i.e., Mandal Revenue Officer, Venkatapuram mandal, Khammam District, in taking steps to evict the petitioner herein from the land i.e., Sy.No.23/4 to extent of Ac. 1-27 1/2 cents of Naguru-G village, Venkatapuram Mandal, Khammam District, without following the procedure laid down under Land Encroachment Act and without due process of law is illegal and void and opposed to Articles 14, 19,21 and 300(A) of Constitution of India and consequently to direct the respondents not to dispossess the petitioner without due process of law.

**For the Petitioner: MR.MUMMANENI.SRINIVASA RAO, Advocate.**

**For the Respondent : GP FOR REVENUE**

**The Court at the stage of admission made the following :**

**ORDER:**

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Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue and with their consent the writ petition itself is disposed of at the stage of admission.

The petitioner claims to be in occupation of an extent of Ac.1-27 ½ cents of land situated in Survey No.23/4 of Nuguru-G Village, Venkatapuram Mandal of Khammam District since 1960 by raising agricultural crops therein. His grievance is that without following the procedure laid down under the Land Encroachment Act, the respondent is taking steps to evict him from the land, which is illegal and arbitrary. Seeking a direction to the respondent not to dispossess him from the land without due process of law, he filed the present writ petition.

Having regard to the facts and circumstances of the case, the writ petition is disposed of at the stage of admission with the following directions:

If the land in question is a Government land, which is under encroachment, the respondent shall follow the procedure contemplated under the Land Encroachment Act for eviction. Till then, status quo obtaining as on today shall be maintained. If the respondent has already followed the due process of law in the matter, he is at liberty to take steps to evict the petitioner from the land in question.

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**N.V. RAMANA, J**

**Date: 31-12-2004**

Svv

To

1. The Mandal Revenue Officer, Venkatapuram Mandal,
Khammam District.

2. Two CCs. to the Government Pleader for Revenue, High Court
Buildings, A.P., Hyderabad (OUT).

3. Two CD copies.